

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. ALLEN,

Plaintiff,

No. 15-13591

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

LITTON LOAN SERVICING and
OCWEN LOAN SERVICING,

Defendants.

ORDER

This civil action was removed from the Wayne County Circuit Court on October 13, 2013. Plaintiff's *pro se* complaint alleges violations of the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, and Michigan's foreclosure by advertisement statute. On October 20, 2015, Defendant Ocwen Loan Servicing filed a motion to dismiss [Doc. #3]. Before the Court are Plaintiff's two motions to strike the motion to dismiss [Doc. #4 and Doc. #8].

Plaintiff moves to strike the motion to dismiss under Fed.R.Civ.P. 12(f), which provides that "the court may strike from a pleading an insufficient defense...." However, a motion to strike is not a "pleading." *See* Fed.R.Civ.P. 7(a); *Giles v. Hartford Life and Accident Ins. Co.*, 2009 WL 3246833 (E.D. Tenn. 2009)("[T]he court notes that it cannot 'strike' a dispositive motion....A motion is not a pleading")(citing Rule 7(a)).

Therefore, Plaintiff's motions to strike [Doc. #4 and Doc. #8] are DENIED. However, in deference to Plaintiff's *pro se* status, I will consider the contents of the motions when reviewing the Defendant's motion to dismiss.¹

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 29, 2016

CERTIFICATE OF SERVICE

I hereby certify on August 29, 2016 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants August 29, 2016.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen

Date: August 29, 2016

¹ Plaintiff titles Doc. #8 a "Answer and Motion to Strike."